

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

FIRST BANK & TRUST,	§	
	§	
Plaintiff,	§	
v.	§	
	§	
REAGOR AUTO MALL, LTD. d/b/a	§	
REAGOR-DYKES OF LEVELLAND,	§	CAUSE NO. 5:18-cv-00234-C
and d/b/a REAGOR-DYKES IMPORTS,	§	
FIRSTCAPITAL BANK OF TEXAS,	§	
N.A., BART REAGOR, RICK DYKES,	§	
SHANE SMITH, SHEILA MILLER,	§	
BRAD D. BURGESS, and KENNETH L.	§	
BURGESS,	§	
	§	
Defendants.	§	

DEFENDANT FIRSTCAPITAL BANK OF TEXAS, N.A.'S
MOTION TO DISMISS PLAINTIFF'S SECOND AMENDED COMPLAINT

The Defendant, FirstCapital Bank of Texas, N.A. ("FirstCapital") files this Motion to Dismiss Plaintiff's Second Amended Complaint ("Motion") pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for the reason that Plaintiff First Bank & Trust has failed to state a claim upon which relief can be granted. Contemporaneous with the filing of the Motion, Defendant FirstCapital also filed its brief in support.

WHEREFORE, Defendant FirstCapital Bank of Texas, N.A. requests the Court to dismiss Plaintiff First Bank & Trust's Second Amended Complaint and for other relief as the Court finds just and equitable.

Respectfully submitted,

SPROUSE SHRADER SMITH PLLC
Joel R. Hogue, State Bar No. 09809720
joel.hogue@sprouselaw.com
John Massouh, State Bar No. 24026866
john.massouh@sprouselaw.com
M. Chase Hales, State Bar No. 24083124
chase.hales@sprouselaw.com
701 S. Taylor, Suite 500 (79101)
P.O. Box 15008
Amarillo, Texas 79105
(806) 468-3300; (806) 373-3454 fax

/s/ Joel R. Hogue

Joel R. Hogue

**ATTORNEYS FOR DEFENDANT
FIRSTCAPITAL BANK OF TEXAS, N.A.**

CERTIFICATE OF SERVICE

I hereby certify that on November 13, 2018, I electronically filed the foregoing document with the clerk of court using the electronic filing system. The electronic filing system will send a "Notice of Electronic Filing" to the following attorney(s) of record who have consented in writing to accept this Notice as service of this document by electronic means:

Paul B. Lackey
paul.lackey@stinson.com
Michael P. Aigen
michael.aigen@stinson.com
Katy L. Hart *katy.hart@stinson.com*
STINSON LEONARD STREET LLP
3102 Oak Lawn Avenue, Suite 777
Dallas, Texas 75219-4259
**ATTORNEYS FOR PLAINTIFF
FIRST BANK & TRUST**

Marshall M. Searcy, Jr.
marshall.searcy@kellyhart.com
Scott R. Wiehle
scott.wiehle@kellyhart.com
Kelly Hart & Hallman, LLP
201 Main Street, Suite 2500
Fort Worth, Texas 76102

John C. Sims
johnsimslaw@yahoo.com
PO Box 10236
Lubbock, TX 79408
**ATTORNEYS FOR DEFENDANTS
REAGOR-DYKES II, L.L.C.,
REAGOR-DYKES AUTO
MALL I, L.L.C.
AND BART REAGOR**

Tom Kirkendall
bigtkirk@kir.com
Law Office of Tom Kirkendall
2 Violetta Ct.
The Woodlands, Texas 77381-4550
**ATTORNEYS FOR DEFENDANT
RICK DYKES**

Robert A. Aycock
aaycock@lubbocklawfirm.com
Joshua D. Frost
jfrost@lubbocklawfirm.com
FIELD, MANNING, STONE,
HAWTHORNE & AYCOCK, P.C.
2112 Indiana Avenue
Lubbock, Texas 79410-1499
**ATTORNEYS FOR DEFENDANT
SHANE SMITH**

Robert N. Nebb
rnebb@carperlaw.com
LAW OFFICE OF MICHAEL H. CARPER, P.C.
1102 Main Street
Lubbock, Texas 79401
**ATTORNEYS FOR DEFENDANT
SHEILA MILLER**

/s/ Joel R. Hogue

Joel R. Hogue

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